

## Edwin W. Leslie

IN UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS

SUMNER VENTURES INC.,	)	CIVIL ACTION NO. 4:09-mc-00148
	)	
Plaintiff,	)	
	)	
vs.	)	MOTION TO QUASH
	)	
BRITISH AMERICAN PROPERTIES	)	
MACARTHUR INN, LLC, ET AL.	)	
	)	
Defendants.	)	

COMES NOW EDWIN W. LESLIE moves the court for an Order Quashing the subpoena(s) issued on February 10, 2022 to LK ASSET ADVISORS, LLC, EDWARD WILHELM LESLIE, AND FRANK LESLIE-KUBAT a copy of which are attached hereto as “Exhibit A” for the reasons:

- 1) the judgment by the Plaintiff was not properly revived, the Motion for Writ of Scire Facias to Revive Judgment filed by Plaintiff on February 19, 2021 (“Exhibit B”) was improper in that the Plaintiff entity no longer existed and Plaintiff failed to advise the court of same in obtaining the order. The Plaintiff Sumner Ventures, Inc. has not existed in the State of Tennessee since August 9, 2011 pursuant to information received from the Department of State, State of Tennessee a copy of which is attached hereto as “Exhibit C”;
- 2) Plaintiff is not licensed to conduct business in the State Tennessee and there is no person or person(s) that can execute any type of verification of the amount claimed as a corporate officer of Sumner Ventures, Inc. as Sumner Ventures, Inc. has not existed since August 9, 2011;

3) Even if Plaintiff were to reinstate Sumner Ventures, Inc. as an entity authorized to do business in the State of Tennessee it would be deemed a new entity as both the federal Tax ID number and the State sales tax ID number for the entity are no longer in effect or available for use;

4) If the Plaintiff were to reinstate Sumner Ventures, Inc as an entity authorized to do business in the State of Tennessee the judgment expired as the Writ of Scire Facias to Revive Judgment filed was improper;

5) the subpoena is unduly burdensome in requiring 5 years of financial records;

6) the subpoena is unduly burdensome in that it requires creation of evidence or “list of assets” that are not in existence;

7) the subpoena is unduly burdensome for the reason LK ASSET ADVISORS, LLC is not a defendant in this action;

8) the subpoena is unduly burdensome for the reason FRANK LESLIE-KUBAT is not a defendant in this action;

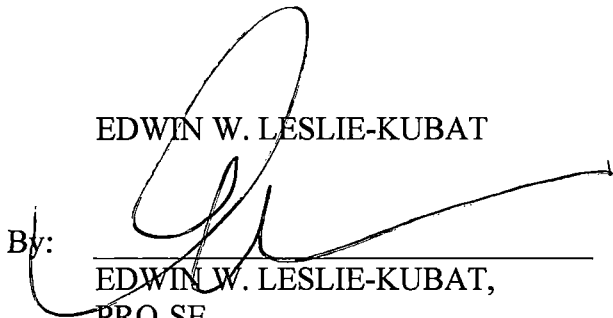
9) the subpoena is unduly burdensome because it won’t lead to discoverable evidence; and;

10) Plaintiff has failed to notice or serve other parties pursuant to Fed R. Civ. P. 45 prior to issuing this subpoena;

**WHEREFORE, the Defendant prays for an Order quashing the Subpoena(s) and Setting aside the courts prior order in allowing the Writ of Scire Facias to Revive Judgment.**

DATED: MARCH 4, 2022.

EDWIN W. LESLIE-KUBAT

By:   
EDWIN W. LESLIE-KUBAT,  
PRO-SE  
209 10<sup>TH</sup> AVENUE SOUTH, SUITE 416  
NASHVILLE, TN 37203  
[edwin@lkassetadvisors.com](mailto:edwin@lkassetadvisors.com)  
(281) 468-4230

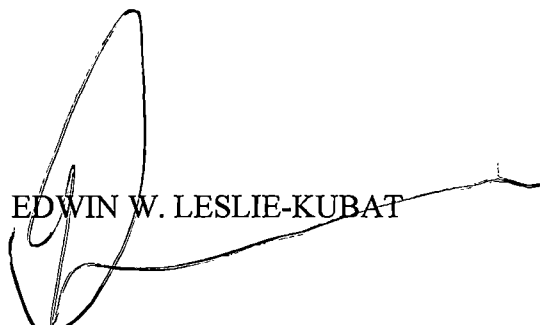
### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of the above and foregoing Motion was sent via first class U.S. mail, postage prepaid, to:

BULSO, PLC  
155 FRANKLIN ROAD, STE 400  
BRENTWOOD, TN 37027

On MARCH 4, 2022

EDWIN W. LESLIE-KUBAT

By:   
EDWIN W. LESLIE-KUBAT,  
PRO-SE

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

**UNITED STATES DISTRICT COURT**for the  
Southern District of Texas

SUMNER VENTURES, INC.

*Plaintiff*

v.

BRITISH AMERICAN PROPERTIES  
MACARTHUR INN, LLC, ET AL.*Defendant*

Civil Action No. 4:09-mc-00148

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To:

EDWIN WILHELM LESLIE, REGISTERED AGENT  
LK ASSET ADVISORS, LLC, 5444 GRANNY WHITE PIKE, BRENTWOOD, TN 37027-4102*(Name of person to whom this subpoena is directed)*

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

SEE EXHIBIT 1.

Place: BULSO PLC  
155 FRANKLIN ROAD, STE 400  
BRENTWOOD, TN 37027

Date and Time:

03/21/2022 9:00 am

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 02/10/2022

CLERK OF COURT

OR

*Signature of Clerk or Deputy Clerk**Attorney's signature*The name, address, e-mail address, and telephone number of the attorney representing *(name of party)*SUMNER VENTURES, INC., who issues or requests this subpoena, are:  
EUGENE N. BULSO, JR., BULSO PLC, 155 FRANKLIN ROAD, STE 400, BRENTWOOD, TN 37027,  
gbulso@bulso.com. 615-913-5135**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**EXHIBIT 1**

1. All operating agreements, including any amendments thereto, for LK Asset Advisors, LLC.
2. All Form K-1s issued to Edwin Leslie for the period January 1, 2017, to the present.
3. All Federal and State income tax returns you have filed from January 1, 2017, to the present.
4. All agreements between you and Edwin Leslie.
5. All financial statements, including balance sheets and income statements, you have prepared from January 1, 2017, to the present.

EXHIBIT  
A

AO 88A (Rev. 12/20) Subpoena to Testify at a Deposition in a Civil Action

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

SUMNER VENTURES, INC.

Plaintiff

v.

BRITISH AMERICAN PROPERTIES  
MACARTHUR INN, LLC, ET AL.

Defendant

Civil Action No. 4:09-mc-00148

EXHIBIT  
A

## SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To:

EDWARD WILHELM LESLIE

5444 GRANNY WHITE PIKE, BRENTWOOD, TN 37027-4102

(Name of person to whom this subpoena is directed)

☒ **Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must promptly confer in good faith with the party serving this subpoena about the following matters, or those set forth in an attachment, and you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about these matters:

Place: BULSO PLC  
155 FRANKLIN ROAD, STE 400  
BRENTWOOD, TN 37027

Date and Time:  
03/21/2022 9:00 am

The deposition will be recorded by this method: STENOGRAPHIC AND AUDIOVISUAL MEANS

☒ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

SEE EXHIBIT 1.

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 02/10/2022

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

C. N. BULL

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party)

SUMNER VENTURES, INC.

, who issues or requests this subpoena, are:

EUGENE N. BULSO, JR., BULSO PLC, 155 FRANKLIN RD, STE 400, BRENTWOOD, TN 37027,

gbulso@bulso.com, 615-913-5135

## Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**EXHIBIT 1**

1. All Federal and State income tax returns for the periods 2017 through 2021.
2. All balance sheets and financial statements you have prepared from January 1, 2017 to the present.
3. All documents that evidence your ownership of any real or personal property.
4. All documents that evidence your ownership in any business entity, including but not limited to any corporation, limited liability company, limited partnership, joint venture or other form of entity.
5. All statements for the period January 1, 2017 to the present for any bank account (including but not limited to all checking and savings accounts), financial account, retirement account, or investment account, you have (or have had) during such period.
6. A list of all of your assets, including all real property, tangible personal property, and intangible personal property.

EXHIBIT  
A



AO 88A (Rev. 12/20) Subpoena to Testify at a Deposition in a Civil Action

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

SUMNER VENTURES, INC.

Plaintiff

v.

BRITISH AMERICAN PROPERTIES  
MACARTHUR INN, LLC, ET AL.

Defendant

Civil Action No. 4:09-mc-00148

## SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: FRANK LESLIE-KUBAT  
5444 GRANNY WHITE PIKE, BRENTWOOD, TN 37027-4102  
(Name of person to whom this subpoena is directed)

☒ Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must promptly confer in good faith with the party serving this subpoena about the following matters, or those set forth in an attachment, and you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about these matters:

Place: BULSO PLC 155 FRANKLIN ROAD, STE 400 BRENTWOOD, TN 37027	Date and Time: 03/21/2022 1:00 pm
---	--------------------------------------

The deposition will be recorded by this method: STENOGRAPHIC AND AUDIOVISUAL MEANS

- ☐ Production: You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 02/10/2022

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) SUMNER VENTURES, INC., who issues or requests this subpoena, are:  
EUGENE N. BULSO, JR., BULSO PLC, 155 FRANKLIN ROAD, STE 400, BRENTWOOD, TN 37027  
gbulso@bulso.com, 615-913-5135

## Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS

SUMNER VENTURES, INC.,

Plaintiff,

v.

BRITISH AMERICAN PROPERTIES  
MACARTHUR INN, LLC, THOMAS F.  
NOONS, and EDWIN W. LESLIE,

Defendants.

Case No. 4:09-mc-00148  
Judge Vanessa D. Gilmore

EXHIBIT  
B.

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MOTION FOR WRIT OF SCIRE FACIAS TO REVIVE JUDGMENT

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The plaintiff, Sumner Ventures, Inc., moves the Court to revive the Judgment filed April 8, 2009, against defendants British American Properties MacArthur Inn, LLC, Thomas F. Noons and Edwin W. Leslie. In support of this Motion, Sumner Ventures, Inc. states:

1. On April 8, 2009, plaintiff GuestHouse International Franchise Systems, Inc. commenced this action through the registration of a judgment recovered on March 23, 2009, against in the U.S. District Court for the Middle District of Tennessee against defendants British American Properties MacArthur Inn, LLC, Thomas F. Noons, and Edwin W. Leslie in the amount of \$441,360.23. This judgment is reported as *Guesthouse Intern. Fran. Sys., Inc. v. British Am. Properties MacArthur Inn, LLC*, 3:07-0814, 2009 WL 792570 (M.D. Tenn. Mar. 23, 2009).

2. Interest accrues on the Judgment at the rate of 0.64% per annum pursuant to 28 U. S. C. § 1961.

3. On April 16, 2009, this Court issued a Writ of Execution and against defendant Thomas F. Noons.

4. On July 16, 2009, this Court issued a Writ of Execution against defendant Edwin W. Leslie.

5. On August 14, 2009, Sumner Ventures, Inc., successor by merger to GuestHouse International Franchise Systems, Inc., obtained a charging order against defendant British American Properties MacArthur Inn, LLC.

6. Despite plaintiff's execution efforts, the full balance of the Judgment, \$441,360.23 plus post-judgment interest, remains unpaid and outstanding.

7. Pursuant to TEX. CIV. PRAC. & REM. CODE § 34.001(a), the Judgment arguably became dormant on July 16, 2019, ten (10) years after issuance of the last writ of execution on the Judgment.

8. To revive a dormant judgment, a judgment creditor may seek a writ of *scire facias* no later than two years after the judgment becomes dormant. *See* TEX. CIV. PRAC. & REM. CODE § 31.006. *See also McShane v. McShane*, 556 S.W.3d 436, 441 (Tex. App.—Houston [1st Dist.] 2018); and *Harper v. Spencer & Assocs., P.C.*, 446 S.W.3d 53, 55 (Tex. App.—Houston [1st Dist.] 2014, pet. denied). The Civil Practice and Remedies Code “has the effect of creating a twelve-year residual limitations period for final judgments.” *Harper*, 446 S.W.3d at 55.

9. In determining whether to issue a writ of *scire facias* to revive a dormant judgment, a trial court considers the date of the judgment, evidence of any writs of execution issued on the judgment, and the date of the motion to revive the judgment

scire facias. **Cadle Co. v. Rollins**, No. 01-09-00165-CV, 2010 WL 670561, \*2 (Tex. App.—Houston [1st Dist.] 2010)(reversing denial of motion for *scire facis* to revive judgment); See also **Trad v. Colonial Coins, Inc.**, No. 14-02-00172-CV, 2003 WL 124680, at \*2 (Tex.App.-Houston [14th Dist.] Jan. 16, 2003, no pet.)(stating that because appellant timely filed motion for scire facias, the judgment “should be revived,” and indicating that revival of judgment is not discretionary if statutory requirements to revive dormant judgment are satisfied).

9. Here, plaintiff has filed this Motion for Scire Facias to Revive the Judgment within ten years of the issuance of the last writ of execution upon the Judgment, within the two-year dormancy period provide in Section 31.006, and prior to the expiration of the 12-year limitations period for final judgments. Plaintiff has, accordingly, met all the statutory requirements to have the Judgment revived.

10. In accordance with Local Rule 7.1(D), counsel certifies that he has conferred with the judgment debtors regarding this Motion but the judgment debtors have not agreed to the Motion.

WHEREFORE, plaintiff Sumner Ventures, Inc. prays as follows:

1. That scire facias issue to defendants requiring them to show cause why the Judgment should not be revived, if dormant.

2. That the Judgment, if found to be dormant, be revived and extended for the full period provided by law.

3. That the Court issue the Order attached as Appendix 1 hereto reviving the Judgment and providing that execution may issue to enforce the Judgment.

Handwritten signature and initials, possibly reading 'WMB' or similar, written in dark ink.

Respectfully submitted:

s/ Eugene N. Bulso, Jr.

Eugene N. Bulso, Jr. (No. 12005)

BULSO, PLC

155 Franklin Road, Suite 400

Brentwood, TN 37027

Tel: (615) 913-5200

Fax: (615) 913-5150

gbulso@bulso.com

*Attorneys for Sumner Ventures, Inc.*

### CERTIFICATE OF SERVICE

I hereby certify that on February 19, 2021, I sent a true and correct copy of the foregoing via electronic mail and via first class U.S. mail, postage prepaid, to the following:

Edwin W. Leslie

5444 GRANNY WHITE PIKE

BRENTWOOD, TN 37027-4102

ewl713@aol.com

Thomas F. Noons

PO BOX 22790

HOUSTON, TX 77227-2790

tnoons@yahoo.com

British American Properties MacArthur Inn, LLC

c/o Thomas F. Noons

PO BOX 22790

HOUSTON, TX 77227-2790

tnoons@yahoo.com

s/ Eugene N. Bulso, Jr.

Eugene N. Bulso, Jr.

EXHIBIT  
B



**Tre Hargett**  
Secretary of State

**Division of Business Services**  
**Department of State**  
State of Tennessee  
312 Rosa L. Parks AVE, 6th FL  
Nashville, TN 37243-1102

**EDWIN LESLIE**  
5444 GRANNY WHITE PIKE  
BRENTWOOD, TN 37027

February 24, 2022

**Request Type: Certificate of Existence/Authorization**

Request #: 0462276

Issuance Date: 02/24/2022

Copies Requested: 1

**Document Receipt**

Receipt #: 006953528

Filing Fee: \$20.00

Payment-Credit Card - State Payment Center - CC #: [REDACTED]

\$20.00

**Regarding: SUMNER VENTURES, INC.**

Filing Type: For-profit Corporation - Domestic

Control #: 235575

Formation/Qualification Date: 12/20/1990

Date Formed: 12/20/1990

Status: Inactive - Dissolved (Administrative)

Formation Locale: TENNESSEE

Duration Term: Perpetual

Inactive Date: 08/09/2011

Business County: SUMNER COUNTY

**CERTIFICATE OF EXISTENCE**

I, Tre Hargett, Secretary of State of the State of Tennessee, do hereby certify that effective as of the issuance date noted above

**SUMNER VENTURES, INC.**

\* has been administratively dissolved. I further certify that the administrative dissolution was filed on the date noted above (inactive date).

Tre Hargett  
Secretary of State

Processed By: Cert Web User

Verification #: 052012008

EXHIBIT  
C